

Remarks

This application has been reviewed in light of the Office Action mailed September 4, 2003. Claims 45 and 49-51 are pending in this application. It is respectfully submitted that no new matter has been added to the application.

I. REJECTIONS OF THE CLAIMS

The claims stand rejected as follows:

- A. Claims 45, 49 and 51 are rejected under 35 USC §103 as being obvious over the U.S. Patent No. 6,265,675 to Hubler et al. (the '675 patent) in view of U.S. Patent No. 4,742,878 to Freeman et al. (the '878 patent); and
- B. Claim 50 is rejected under 35 USC §103 as being obvious over the '675 patent in view of the '878 patent and in further view of U.S. Patent No. 5,326,938 to Tolson (the '938 patent).

Independent claim 45 currently recites the following features:

comparing said weight of said moving mailpiece to a postal weight break to determine if said postal weight break is within the margin of error of said weighing mechanism; stopping transport of said moving mailpiece if said postal weight break is within the margin of error of said weighing mechanism ;
reweighing said mailpiece if said postal weight break is within the margin of error of said weighing mechanism; (Emphasis added).

These aforesaid steps are advantageous in a method for weighing moving mailpieces because when it is 1)detected that a weight of a measured moving mailpiece fails within a new class of more expensive postage by a predetermined margin of error tolerance, to ensure this more expensive postage is indeed required, 2) movement of the mailpiece is stopped and 3) the now stopped mailpiece is reweighed (which provides a more accurate measurement of its weight) to ensure the more expensive class of postage is actually required.

The '675 patent is cited by the Examiner based upon it discloses an apparatus for weighing moving mailpieces but does not teach "temporarily stopping the transport of a mail piece across the weighing station if the postal break point is within the margin of error of the weighing mechanism." In an attempt to overcome this deficiency, the Examiner applies the '878 patent (making reference to Col. 10 line 58 to Col. 11, line 2).

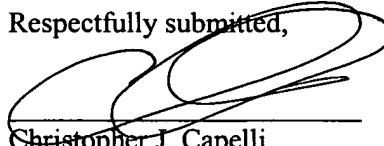
Applicants would first like to concede that the '878 patent does indeed teach the stopping of a mailpiece to enable weighing of that mailpiece. (Col. 9, line 24 to line 33 of the '878 patent). Nevertheless the '878 patent still does not overcome the deficiencies of the '675 patent because the '878 patent does not teach or suggest "*reweighing said mailpiece if said postal weight break is within the margin of error of said weighing mechanism*" as recited by claim 45. That is, the '878 patent only teaches of weighing a mailpiece once. What is meant by the statement: "When the indication was of a weight closer to the breakpoint three or more consecutive signals would be used to determine the weight in the conventional manner" (col. 10, line 67 to col. 11, line 2) is that when a "steady weight condition" is being determined the weight from three consecutive mailpieces is used for such a determination. See Col. 10 lines 41 to 58. Thus, a single mailpiece is not "*reweighed*" as recited in claim 45 of the subject application.

With respect to the '938 patent, it does not teach or suggest "*reweighing said mailpiece if said postal weight break is within the margin of error of said weighing mechanism*", and thus does not overcome the above-noted defiecincies of the '675 and '878 patents.

Therefore, it is respectfully submitted that claim 45 and depending claims 49-51, at least for the reasons stated above, patentably distinguish from '675, '938 and '878 patents taken either alone or in combination with one another. According, these claims are believed to be in condition for allowance and removal of the subject rejections is respectfully requested.

III. CONCLUSION

In view of the foregoing amendments and following remarks, it is respectfully submitted that the pending claim of this application (namely claims 45 and 49-51) are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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